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Illinois General Assembly

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Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ SCHOOLS

The STATE BOARD OF EDUCATION adopted amendments to Public Schools Evaluations, Recognition and Supervision (23 IAC 1; 39 Ill Reg 7413), effective 9/24/15, implementing the following Public Acts: PA 98-648, authorizing the State Superintendent to identify alternative instruments school districts may utilize to gauge learning conditions in place of the 5 Essentials Survey; PA 98-716, aligning employee tuberculosis screenings to follow Department of Public Health rules; PA 98-795, authorizing the use of epinephrine auto-injector pens by school nurses or trained personnel; and PA 98-885, recognizing that an Advanced Placement course in computer science qualifies as fulfilling State mathematics requirements.

Questions/requests for copies: Jeff Aranowski, SBE, 100 W. Randolph St., Suite 14-300, Chicago IL 60601, 312/814-2734.

SBE also adopted amendments to Standards for Endorsements in Early Childhood Education and in Elementary Education (23 IAC 26; 39 Ill Reg 7586) effective 9/24/15 that extend the phase-out period

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for existing programs and require new programs to be aligned to the revised standards to 9/1/19. Adopted amendments to Payments to Certain Facilities under Section 14-7.05 of the School Code (23 IAC 405; 39 Ill Reg 7592), effective 9/24/15, extend until 9/1/18 SBE's authority to issue short-term emergency approval in special education.

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Proposed Rulemakings

■ UTILITIES

The ILLINOIS COMMERCE COMMISSION proposed amendments to Qualifying Infrastructure Plant Surcharge (83 IAC 656; 39 Ill Reg 13320) concerning charges added to customer utility bills to pay for construction of, or improvements to, water and sewer plants. The rulemaking limits QIP surcharges (currently capped at 5%) to no more than an annual average increase of 2.5% since the most recent rate order for the affected rate zone, and no more than a 3.5% increase in any given year for the rate zone. Infrastructure investment costs that were already included in the utility's base rate shall not be included in a QIP surcharge. The rulemaking also makes changes in the formula for calculating QIP surcharges; requires utilities to

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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Finally, SBE adopted amendments to Illinois Hope and Opportunity Pathways through Education Program (23 IAC 210; 39 Ill Reg 6022), Summer Bridges Program (23 IAC 232; 39 Ill Reg 6028) and Alternative Learning Opportunities Program (23 IAC 240; 39 Ill Reg 6035), all effective 9/24/15, updating cross-references to current School Code requirements for State assessments.

Questions/requests for copies: Part 26, Jason Helfer (217/557-6763); Parts 210, 240 and 405, David Andel (217/782-4870); and Part 232, Melina Wright (217/782-4832), SBE, 100 N. First St., Springfield IL 62777.

MEDICAL ASSISTANCE

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES adopted amendments to Medical Payment (89 IAC 140; 38 Ill Reg 19054) effective 9/25/15 that allow federally qualified health centers (FQHCs) and rural health clinics (RHCs) to be reimbursed on a fee-for-service basis for non-surgical, transcervical, permanent female contraceptive devices (e.g., implants designed to permanently block the Fallopian tubes) effective for dates of service on or after 10/1/14. The payment is separate from any payment an FQHC or RHC may receive for the patient encounter or office visit. The rulemaking also clarifies that

existing reimbursement policies for implantable contraceptive devices also apply to long acting reversible contraceptives (removable devices such as IUDs).

Questions/requests for copies: Mollie Zito, HFS, 201 S. Grand Ave. E., 3rd Fl., Springfield IL 62763-0002, 217/782-1233, HFS.Rules@illinois.gov

UNIVERSITIES EMPLOYMENT

The STATE UNIVERSITIES CIVIL SERVICE SYSTEM (SUCSS) adopted amendments to State Universities Civil Service System (80 IAC 250; 39 Ill Reg 2267) effective 12/1/15 permitting out-of-State applicants to test for professional, semi-professional or managerial positions for which a broader talent pool is normally sought, provided that the applicant establishes Illinois residency within 180 days (changed since 1st Notice from 90 days) after an employment offer or final appointment. An applicant with recognized disabilities may receive an accommodation for any examination maintained by a university system in accordance with the federal Americans with Disabilities Act, the State Universities Civil Service Act, this Part and applicable employment policies at each employment location. The rulemaking also shortens from 45 to 30 days the time period for notifying university employers of any change in weighing or grading

examinations. Upon request of an employer and approval by the Executive Director, examinations for original entry employment registers at each place of employment may be closed up to six calendar months. When a sufficient number of candidates on the register has been established, further recruitment and testing is not required for a period of time. Since 1st Notice, language limiting the non-resident testing provisions to positions for which “highly technical or professional qualifications” are required has been removed.

Questions/requests for copies: Mari Martinelli, SUCSS, 1717 Philo Rd., Suite. 24, Urbana IL 61802, 217/278-3150, ext. 226, marim@sucss.illinois.gov

PUBLIC RECORDS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION repealed the Part titled Access to Information (2 IAC 1326; 39 Ill Reg 13367) and adopted a new Part titled Freedom of Information Act Requests for Public Records (2 IAC 1326; 39 Ill Reg 13369) both effective 9/23/15, implementing current provisions of the Freedom of Information Act (FOIA). The new Part establishes which records will be disclosed and which records withheld from disclosure when requested by the public; sets procedures for

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Proposed Rulemakings

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submit an annual internal audit report to ICC to verify proper implementation of the surcharge; includes instructions for reconciling projected and actual costs for past QIP projects; and expands QIP projects to include certain improvements to storm sewers. This rulemaking may affect municipal water and sewer systems.

Questions/requests for copies/comments through 11/23/15: Elizabeth Rolando, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

■ DFPR REPEALER

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed repeal of the Part titled Public Accounting Act (Professional Conduct) (68 IAC 1430; 39 Ill Reg 13345) because the rules contained in this Part are obsolete and current standards of professional conduct for Certified Public Accountants are contained in 68 IAC 1420.200.

New Rules

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requesting records from DFPR and for the agency's response to such requests; and and establishes fees for copying print or electronic records.

Questions/requests for copies: Craig Cellini, at the DFPR address and phone number above.

Peremptory Rule

SNAP ELIGIBILITY

The DEPARTMENT OF HUMAN SERVICES adopted peremptory amendments to Supplemental Nutrition Assistance Program (SNAP) (89 IAC 121; 39 Ill Reg 13513) effective 10/1/15. The amendments implement the federal Food and Nutrition Service's fiscal year 2016 adjustments to SNAP income standards and deductions from countable income. Net income standards were increased by approximately \$8 per month per member of the household, while gross income standards were adjusted to reflect the 2016

Federal Poverty Level. Standard deductions for households of 4 or more persons were increased, along with the shelter cost deduction (from \$490 to \$504/month), while deductions for utilities were decreased (from \$370 to \$364 for heating, air conditioning and electricity; from \$280 to \$258 for two utilities; from \$62 to \$58 for one utility; and from \$32 to \$27 for telephone service). The standard medical deduction was also decreased by \$7/month.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Questions/requests for copies/comments through 11/23/15: Craig Cellini, DFPR, 320 W. Washington St., 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

DOI RULE WITHDRAWAL

The DEPARTMENT OF INSURANCE has withdrawn a proposed new Part titled Misrepresentation and False Warranties (50 IAC 941; 38 Ill Reg 23975) published in the 12/26/14 *Illinois Register*. The new Part was intended to clarify provisions of the Illinois Insurance Code concerning when an insurer can rescind or void a policy based upon misrepresentation of facts by the insured.

HFS Public Hearing

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES will hold a public hearing on a proposed amendment to Medical Assistance Programs (89 IAC 120; 39 Ill Reg 10667) on **Tuesday, Oct. 20, 1-2 p.m.** at the Prescott E. Bloom Bldg., 1st Floor Conference Room, Springfield. The rulemaking, published in the 8/7/15 *Illinois Register*, reduces monthly personal needs allowances for developmentally disabled residents of ICF/DD facilities and Community Integrated Living Arrangements (CILAs). More information regarding this hearing will appear in next week's Flinn Report.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. The DHR, DNR, DFPR and HFS rulemakings will be considered at the Committee's October 13, 2015 meeting, while the DOI, DOL and DPH rulemakings will be considered at the November 17, 2015 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

DEPT OF HUMAN RIGHTS

Joint Rules of the Human Rights Commission and Department of Human Rights: Rules on Pregnancy Discrimination and Accommodation in Employment (56 IAC 2535; 39 Ill Reg 9682)
proposed 7/17/15

DEPT OF NATURAL RESOURCES

Commercial Fishing and Musseling in Certain Waters of the State (17 IAC 830; 39 Ill Reg 11215)
proposed 8/14/15

DEPT OF FINANCIAL AND PROFESSIONAL REGULATION

Illinois Occupational Therapy Practice Act (68 IAC 1315; 39 Ill Reg 11167) proposed 8/14/15

Administrative Procedures for General Professional Regulation under the Administrative Code
(68 IAC 1130; 39 Ill Reg 11161) proposed 8/14/15

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Payment (89 IAC 140; 39 Ill Reg 7761) proposed 6/5/15

DEPT OF INSURANCE

Required Procedure for Filing and Securing Approval of Policy Forms
(50 IAC 916; 39 Ill Reg 5997) proposed 5/1/15

Viatical Settlement Provider Reporting Requirements (50 IAC 5701; 39 Ill Reg 10361)
proposed 7/24/15

DEPT OF LABOR

Job Opportunities for Qualified Applicants (56 IAC 340; 39 Ill Reg 11206) proposed 8/14/15

Equal Pay in Employment (56 IAC 320; 39 Ill Reg 11199) proposed 8/14/15

DEPT OF PUBLIC HEALTH

Adverse Health Care Event Reporting Code (77 IAC 235; 39 Ill Reg 9866) proposed 7/17/15